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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEBRA ANN BAILEY, both individually and)
on behalf of all others similarly situated,)

Plaintiff,)

v.)

HOUSEHOLD FINANCE CORPORATION)
OF CALIFORNIA, et al.,)

Defendants.)

CASE NO.: 10-CV-0857-WQH (RBBx)

CLASS ACTION

**OBJECTION AND REQUEST TO
STRIKE "EXHIBIT A" ATTACHED TO
THE REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF DEFENDANTS
HOUSEHOLD FINANCE CORP., ET
AL.'S MOTION TO DISMISS PORTIONS
OF PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Date: August 9, 2010

Time: 11:00 a.m.

Place: Courtroom 4

Judge: Hon. William Q. Hayes

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that at the same time as the hearing on Defendants' pending motion to dismiss portions of the First Amended Complaint [Docket #20-2], Plaintiff objects to and moves the Court to strike Exhibit A attached to the Request for Judicial Notice in Support of Notice of Motion and Motion to Dismiss Portions of Plaintiff's First Amended Complaint (the "RJN") [Docket #20-2] submitted by Defendants Household Finance Corporation of

PLTF'S OBJECTION/COUNTER MTN TO STRIKE
"EX. A" ATTACHED TO REQ. FOR JUD. NOTICE

Case No.: 10-CV-0857-WQH (RBBx)

California (“Household” or “HFC”), HSBC Card Services, Inc. (“HSBC Card Services”) and HSBC Bank Nevada, N.A. (“HSBC Bank Nevada”) (collectively referred to herein as “Defendants”) and/or, alternatively, deny the pending request for judicial notice.

Exhibit A, which Defendants assert is the “operative agreement” for Plaintiff’s credit card account with HSBC Bank Nevada, should be stricken because it is outside the First Amended Complaint [Docket #14] and therefore cannot be considered under Rule 12(b)(6) of the Federal Rules of Civil Procedure and controlling Ninth Circuit law on a motion to dismiss. In addition, Exhibit A is not a proper subject of judicial notice, as the terms contained in the document on which Defendants rely are inadmissible hearsay and reasonably subject to dispute as to their applicability. For these reasons, Plaintiff also moves to strike all references to Exhibit A in Defendants’ Memorandum in Support of Motion to Dismiss Portions of Plaintiff’s First Amended Complaint (“Def. Mem.”) [Docket #20-1], including but not limited to references contained in Def. Mem. at 1:26-2:1; 4:7-5:1, 15:1-4, and 15:25-16:11.

This objection is based on the accompanying memorandum, the pleadings and papers on file in this action and such other argument as may be presented at the hearing on the motion, if any.

DATED: July 22, 2010

Respectfully submitted,

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